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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/720,075

11/25/2003

Yukiko Yoshida

1081.1184

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05/18/2006

STAAS & HALSEY LLP

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EXAMINER

SMITH, TRACI L

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/720,075

Applicant(s)

YOSHIDA, YUKIKO

Examiner

Traci L. Smith

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

This action is in response to papers filed on March 3, 2006.

Claims 1, 9 and 10-11 have been amended.

Claim 12 has been added.

Claims 1-12 are pending.

Claims 1-12 are rejected.

***Claim Rejections - 35 USC § 112***

1. Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The above noted claims are drawn to the newly added limitations of "environment conditions described as a calculation or formula" and "changing and/or customizing values". Although the disclosure mentions that numerical calculations are used it fails to identify what those calculations are and what factors are used in those calculations. Furthermore, the disclosure fails to identify how the results of the calculations are used. As for the limitation of "customizing and/or changing values" the specification fails to identify how the values are changed/customized using the conditions. What about the values is changing? If it's the user values how can the apparatus change them?
2. Claim 12 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 12 identifies changing the "first content information" based on a second content user conditions. However, the applicants disclosure fails to support the addition of this limitation. Applicants disclosure supports simultaneously generation information for two separate users but does not support further modify a first users information based on the second users preferences.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-12 rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 6 052 714; Miike et al. April 18, 2000. Information Filtering Apparatus and method for retrieving a selected article from information resources.

5. As to claims 1 and 9-12 An information providing apparatus and method that provides information to a terminal of user through a network, comprising:

-storage unit for storing environmental conditions that are predetermined conditions for an event relating information provided by predetermined information provider; Miike teaches an apparatus with a storage unit of predetermined conditions.(C.3 I. 32-36)

*the environmental conditions being described as a calculation or a formula. Miike teaches generating the information by “calculating” the similarities between the articles and the user profile”* (C. 8 I 9-11).

-a control unit for acquiring user conditions that are inputted by the user and that are the conditions relating and specific to the user, from the terminal of the user through the network; Miike teaches an apparatus with a unit for receiving conditions(C. 3 I. 48-49)

-a structuring unit for structuring, in conformity with the environmental conditions, detailed information that is the information corresponding the user conditions relating for the event, *including customizing values of the information*(Miike teaches ranking items according to the value determined by similarity C. 4 I. 5-6, 10-12) Miike teaches an apparatus with a unit for querying information (C. 3 I. 62-63)

-the control unit distributes the detailed information to the terminal. Miike teaches an apparatus with a unit that distributes the information(C. 4 I. 7-9)

6. As to claim 2 Miike teaches an apparatus with a storing unit and a unit to perform query(C. 4 . 7-12)

and allows user to alter extracted information(C. 7 I. 57-60).

7. As to claims 3 and 4 Miike teaches an apparatus with a unit executing a program in response to conditions(C. 3 I. 47-49)

8. As to claim 5 Miike teaches an apparatus with a unit that can create a value to determine information(C. 4 I. 1-4)

9. As to claim 6 Miike teaches an apparatus with changing conditions and recreating detailed information that is distributed to the user(C. 7 I. 65-67; C. 8 I. 1-2).

10. As to claim 7 Miike teaches an apparatus providing a news article as the information(c. 3 I. 2-4).

11. As to claim 8 Miike teaches an apparatus linked via a network(c. 3 I. 10-11)

### ***Response to Arguments***

12. Applicant's arguments filed March 3, 2006 have been fully considered but they are not persuasive.

13. As to applicants arguments regarding the rejections under 35 USC 112 1<sup>st</sup> Paragraph. Applicant gives an example of what user conditions could be, however, the applicant fails to identify what the ACTUAL calculation is for modifying any information. One of ordinary skill in the art would not know what calculation or formula to use in order to obtain the results of applicants invention. Applicant recited Pg. 10 I. 2-15 and Pg. 23 I. 7-24 as supporting the "calculation". However Pg. 10 I. 2-15 of the specification fails to disclose anything regarding a calculation. Furthermore, Pg. 23 I. 7-24 merely mention a calculation as a possible way for modifying information but does not identify a specific calculation that needs to be used to obtain the same result.

14. As to applicants arguments that Miike fails to teach "environmental conditions described as a calculation". The examiner notes that applicant does not disclose a specific calculation to use in the instant applicant nor does applicant disclose or define

what specifically "environmental conditions" are according to the specification.

Therefore, the examiner reads the claims in the broadest reasonable interpretation.

Therefore, Miike's calculation of similarities of a user's profile against the articles is determined to read over the claimed limitations. As applicant does not have support for particular calculation any calculation is deemed prior art. The same is applied to environmental conditions, the user profile has user specific themes, topics and preferences(C. 3 I. 34-36) which are interpreted to be "environmental", they are specific to the environment created by the profile of the specific user. Given this interpretation the examiner notes applicant's arguments that Miike does not "acquire" user conditions from the user, these arguments are moot.

15. As to applicant's arguments that Miike fails to teach "changing contents" the examiner notes that as the applicant fails to clearly define changing content that when Miike extracts a portion of the article creating an abstract portion of the article, this is viewed as "changing the content" the abstract is a portion of the article not the entire article.(see Miike abstract front page)

16. As to applicant's arguments that contents are not change for each individual user. The examiner notes that Miike teaches a user profile for each user (fig. 2) and the user profiles are used to identify the appropriate information for that specific user(C. 3 I. 31-36 and 45-49).

***Conclusion***

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Traci L. Smith whose telephone number is 571-272-6809. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

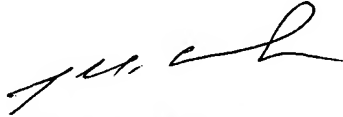
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 3629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TLS



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